

Police Vol. 2.

L E T T E R
TO
ARCHIBALD MACDONALD, Esq.
ON THE
INTENDED PLAN
FOR
R E F O R M
IN WHAT IS CALLED THE
POLICE OF WESTMINSTER.

SECOND EDITION, MUCH ENLARGED.

L O N D O N:
PRINTED FOR G. AND T. WILKIE, No. 71,
ST. PAUL'S CHURCH YARD.

1784

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SECOND EDITION, WITH ADDITIONS.

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Printed for G. and T. Wither, No. 12
St. Paul's Church Yard.

ADVERTISEMENT.

THE following letter has been already published in part, under the title of 'Tis All My Eye. Upon farther and more serious consideration, I retract that title as improper. I have substituted one which is in all respects more decorous; and I hope the present edition will not be thought unworthy of the Public attention, both from the improvements that are introduced to the style, and the additions that are made to the matter.

ADVERTISEMENT.

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A

LETTER, &c.

S I R,

VARIOUS have been the reports respecting the introduction of a new system, for the better regulation of what is called the Police of Westminster. I do not venture to arraign the principles of that bill because they are imperfectly represented, or to anticipate the contents because you have not yourself hitherto been pleased to state them distinctly; but if it be your wish to introduce a set of new magistrates, and your intention to arm them with very extraordinary powers, you would do well, and the Public would be much obliged to you if you would print your bill, and circulate it before you carry it into a law. By these means you will attract the attention of the impartial, and discover the sentiments of the judicious. You
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will avert the cavils of some who would oppose your scheme from prejudice, and hush the apprehensions of others who are alarmed at it from misconception.—Your project, though it be conducted by the regular formalities of law, must be founded upon the plain testimony of experience. Every well-wisher to his country is interested in the success of your design, and every observer of human life may assist you in forming that design with wisdom, and executing it with effect.

I doubt not but it has often occurred to you, that it would be much more consonant to the best principles of policy, and the best feelings of humanity, to prevent the commission of crimes, than to punish offenders.

This spirit ought to pervade all penal laws, in order to check unnecessary severity, and at the same time convert to the best purposes that coercion which is to be deplored even where it cannot be avoided.

I presume, therefore, that you will listen to every information, and weigh every argument which may promote the great end of prevention. Let me then inform you, that after serious and careful attention to the subject, I think it both dangerous to create any new jurisdiction, and superfluous to enlarge in any great degree the
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the powers of those which already exist. The laws are in the hands of twelve honest, respectable men, and I hope they will continue there. The Public have no reason to complain of them or their mode of administering justice; and till they have, there is no doubt but the Parliament will be extremely cautious how they rush into the dangerous experiment of creating new judges, under the specious and imposing pretence of regulating, by a new system, the police of Westminster.

The fundamental and established rules of the constitution must not bend at the will of every visionary projector, or to exigences which are merely local and temporary. Experiments which strengthen the hands of power, and aim at the lives even of offending subjects, are not to be hazarded lightly.—They may produce greater mischiefs than those which they profess to avert.—They may render law itself rigorous without being effectual, and complicated without being wise. Permit me, Sir, from my prejudices as an Englishman, and let me add, from my knowledge as a lawyer, to express my objections to the word *Police*. The term is established under a Government which it cannot be your ambition to imitate. It is too closely connected with French systems, to be admitted hastily into a system of English jurisprudence. No Englishman can approve of the word; and we stand,

stand I will venture to say, in no need of the thing itself. The laws already provided for the subject, are just and comprehensive; and were they steadily enforced, they would answer all the good purposes for which they were originally formed; but the wisest laws, if suffered to slumber in inaction, or executed only by starts, are an insult upon the understandings of the good, and an encouragement to the audacity of the depraved. The feeble and irregular execution of them in our own days, is equally notorious and lamentable.—Whether it be owing to the want of vigilance, or the want of courage in the magistrate, I shall not take upon myself to determine; but whatever may be the cause, the effect is most injurious to society, and leaves the magistrate, to whom we look up for protection, without excuse. His office, however important, is not very difficult; it requires neither the talents of a legislator nor the intrepidity of a hero: it does not call upon him to engage in those profound inquiries, or to examine those complicated proofs, which must be attended to by those who make the law: his duty is prescribed to him by superior power and superior wisdom; and to discharge it well, he has occasion only for common sense, united with common firmness. In cases of rare occurrence and unforeseen difficulty, it may sometimes be incumbent upon the judge

to interpret the law, but the usual province of the magistrate is only to enforce it.

It is not the judge, but the law, that condemns: condemnation proceeds not even from the just indignation of the judge, but from the salutary rigour of the law itself: how far judges in former times, regardless of their own honour, and deviating from the dignity of their station, have condescended to forget themselves in favour of a particular system, or particular men; what compliances they may have made with the politics of the times, what concessions they may have been betrayed into, even to the clamours of the people, it becomes not me to inquire.—Suffice it to remark, that the present age hath few occasions for complaints of this kind. Modern judges consider their characters as too sacred to be trifled with by the Public or by themselves. They are the mediators and advocates for the prisoner.—They can unravel the subtleties of ingenious pleaders, and detect the falsehoods of hireling witnesses.—They can protect a prisoner from the malice of prosecutors, and all the possible prepossessions even of a jury.—They can throw clearness upon a long and intricate chain of evidence, and discriminate those nice circumstances which exempt particular cases from the operation of general rules.—They are enabled, as well by their experience as by their studies, to detect guilt when it is associated with

cunning, and to intimidate it when combined with audacity.—They are bound to see, and will see that justice be done, even though in consequence of doing it *Cælum ipsum ruat*.

Happy were it for the Public, and most grateful to their own sensibilities, if the occasions for their firmness were less frequent and less alarming. If indeed the inferior magistrates were more vigilant, and more steady in the discharge of their duty, our judges would not be so often compelled to employ the last severities of the law, and to crush, by the infliction of death, those whom earlier and milder punishments might happily have reclaimed.

God forbid that this sacred power should ever be placed in rash or feeble hands ; it is now intrusted to men of liberal education, of enlarged views, and of situations in which their responsibility is proportionate to their dignity. The public eye is lifted up to a judge ; the public reverence accompanies his decisions ; he cannot, with impunity, trifle with the law ; he cannot pervert it without detection, and infamy. But if the power of life and death be, on any pretence, however plausible, or in any crisis, however perilous, committed to persons of narrow minds, and in obscure situations, most dreadful consequences are to be apprehended. The severity of such men may oppress, but cannot awe ;
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and as to their clemency, it will seldom be exercised with discretion, or connect the pardon of the offender with the safety of the community.

To proposals, however supported by common sense, or however reconcilable to law, it has been objected sometimes, that they are only theoretical; that they may be opposed by contrary probabilities, or at least that they have not received the sanction of actual experience. Upon a subject, sir, in which the dignity of your character, the lives of my fellow-creatures, and the security of my fellow-citizens are deeply interested, I mean not to lay myself open to objections of this sort; my thoughts are not floating on the dark and trackless ocean of conjecture; my arguments do not stray from the sure and safe guidance of law; my system—I feel it strongly, and I affirm it boldly, the system to which I now summon your attention, and that of the public, is built on the broad and solid basis of facts.—Those facts, sir, are visible and indisputable; they are obvious to the most common observers; they cannot, or at least ought not to have escaped your notice, and they deserve the most serious and recollected attention of the wise and the good; permit me, then, to inform you, or at least to remind you, that the experiment which I am now recommending

for Westminster, has already been adopted in other places with success.

In Gloucester, as soon as a beggar is seen publicly asking charity in the streets, he is that instant taken up, and carried before a magistrate: if a proper object, he is relieved and sent home; if not, he is asked whether he will be whipped out of the north, the south, east, or west gate; and the punishment is immediately inflicted upon him. By this summary mode of proceeding, all beggars are effectually removed; and for this essential service done to the city, the constable is intitled to, and paid sixpence or a shilling; I do not immediately recollect which. Whether this system is worthy of your notice, I am not able to determine; but it seems to me so replete with good sense, that I should be happy to see it adopted in every part of the kingdom. And as Westminster has more rogues in it than any other place, I see no reason why you should not make it a part of your plan. It is a well-known fact, that begging is reduced to a system, and become as much a trade as any other carried on in London or Westminster. I believe, too, it is a very profitable one; for, if I am not misinformed, there are many common beggars in this metropolis who get four or five shillings a day. And is not this a great reproach to the English nation, where so many honest and useful

useful means may be found to employ these idle people? There are many, very many, hard-working, industrious, sober persons in London, who do not live half so comfortably as these dissolute wretches. The common beggars of this great town have their walks and stands as regular as the day, and are as sure to be found in them at particular hours, days, and weeks, as the most regular merchant upon Change. To these places they punctually resort to attract your notice, excite your pity, and impose upon your understanding. Tabernacles and preaching houses are admirable stands; and happy is that man who can fix himself there first; he is sure to live well. Many of them, like Shakespeare's Justice, look sleek, and as if their bellies were with good capon lined. There is no set of these common beggars who hurt me more than those who having any bodily infirmity expose it to awaken your feelings. Is it not shocking in a cold frosty day to see a great strapping fellow with a sore leg, without a plaster or any thing upon it, lying down upon the ground, and making wry faces for hours together to gain a livelihood? If you were to send, or propose to send, one of these people to an hospital, he might thank you, but he would not accept your offer. He looks upon his sore leg as an estate for life — The rent — the hap of the day.

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Is it not dreadful in a country like this to meet with numbers of stout healthy women, with children attending them, who get their bread by no other means than begging about the streets? What can you expect will be the consequences of such a mode of living, but what are daily experienced? The boys soon arrive at that maturity in wickedness, which exposes them to ignominious death; and the girls are not only exposed to all the arts of seduction, but almost compelled to seek a shelter from cold and hunger, in the infamous and corrupt wages of prostitution. These poor children are to be pitied—greatly pitied. They have been brought up in the way in which they should not go, and ignorant of that which leads to virtue, to peace, and to happiness, they have travelled on without knowing their danger till they have found themselves on the brink of perdition. They have sucked in hypocrisy with their mother's milk, which, like the evil, sticks to them as long as they live, and commonly shortens the period of their existence. — Consequences like these should be guarded against. Causes that produce such effects should be removed if possible. And it strikes me, that the best method which can be devised is to check idleness wherever it shews itself. Like a weed in a garden, it should be plucked out the moment it appears; and whether it comes in the shape of a lame or a blind man, it ought immediately to be dis-

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countenanced. If there had not been a shameful relaxation of all order, and if the laws had not lost their tone for want of the proper exertion of the parish officers, the public had not for seven years together seen a healthy man with a long carrotty beard shaking upon the threshold of a door as if he would not survive the fit: but the truth is, that this fellow has been acting the character of Sir Andrew Aguecheek, and filled it so well, that he has got a good livelihood by it. He would as soon part with his life as the ague. He could not live without it. To him it is meat, drink, washing, lodging, and clothes.

I have dwelt the longer upon this subject, because I think that idleness is the fountain of every thing that is corrupting or corrupted, and the consequences are as much to be dreaded, and as firmly to be watched against as a pestilence or famine.

From idleness every possible evil may flow, but no possible good can flow from it. The exhortations of the preacher are not heard by the idle; the authority of parents is little regarded by them; their judgement is not corrected by virtuous precepts; their habits are not controlled by good examples. It is in the vigilance and activity of the magistrate alone, that we are to look for the means, either of reclaim-
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ing them from their vices, or of preventing the mischiefs which those vices produce from giving annoyance to society.

Perhaps I may be asked how I would employ the man who has lost an arm or a leg, or both his eyes? I answer, Twenty ways. There are many trades which require a wheel to be turned; and the man who has but one leg, or one arm, or no eyes, may do as well as a person who does not labour under such a misfortune. If he cannot earn so much, he can at least earn something, and something he ought and should do to gain an honest livelihood. The Public ought not to raise such enormous sums of money for the benefit of the poor as are annually collected, and yet be over-run with beggars in every part of the town.

This evil might soon be cured, if you would adopt the Gloucester plan: — Only appoint so many officers in every parish for the purpose of apprehending those persons, and give them one shilling a head for bringing each person before the magistrate, and you will soon put an end to begging. You will find the officers watchful and active enough if they can get any thing by doing their duty. Profit, as we lawyers know, is the most forcible stimulus in the world — it never fails to produce its effects.

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An objection has been raised against the practicability of the scheme: but why is it impracticable? If the city of Norwich, consisting of thirty-six parishes, can be regulated by pursuing a part of this plan, through the vigorous exertions of its magistrates, I see no reason why the same cannot be carried into execution in the capital; proportion the means to the ends, and see whether the desired effect will not be produced. Because five men cannot navigate a fifty-gun ship, is that a reason why five hundred should not? Yet, sir, whilst I mean to awaken your attention, and call forth your exertion in the suppression of idleness, hypocrisy, and vice, do not deem me so uncharitable as to conclude I wish to steel your heart against the feeble, but interesting, efforts of those poor sons of misery, who, strangers to the climate, to the manners, and to the people of this country, have traversed the town, naked, penniless, and almost starved in search of subsistence. Their situation is as singular as it is deplorable; they have been brought into this country as the friendly assistants of natives—navigating vessels, who, without their aid, could not have returned to enjoy the blessings and comforts of Great Britain, and whilst the dispute lasted, who should maintain them, they have been left a prey to melancholy and distress. If there is a case that merits more particular notice, demands more particular attention, and calls for the generous efforts and

exertions of Englishmen to relieve, theirs is most certainly that situation. The dispute, you know, lies between the Husbands of the ships and the Directors of the East India Company—Till the decision be obtained let the magistrates be authorised, for the purpose of protection, to take up the persons of these unfortunate men; let the officers of the parishes where they are respectively found, be compelled to provide for them; and let the expences attending that provision be ultimately laid upon the party whom the courts of law shall finally adjudge to be subject to them. They who are bound, after a full legal investigation of the question, to maintain these unhappy men, are liable, by every rule of common sense, and of common humanity, to all the intermediate expences that are incident to the preservation of innocence and life itself in the unfortunate wretches, who have been first deluded and then abandoned. It is vain to say that protection may even now be found for them; they are unfurnished with the means of obtaining it, and are, probaby, ignorant of their right to claim it. The magistrate, therefore, should not only be warranted and required, but be obliged to procure for them an asylum, and he should be armed with a power of compelling them to avail themselves of it. The happiness of the individuals themselves, and the security of the public, equally conspire in calling for some immediate redress
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for their grievances, and some effectual restraint upon their crimes; dig they cannot, and while they are both unemployed and unprotected, we cannot be surpris'd if they are not ashamed to beg. We must compassionate rather than condemn them, when after begging in vain, they are instigated by the mere instinctive principle of self preservation, to violate those laws by which they are suffered to starve. The evil, even if we grant it to be temporary, will not be entirely removed by the slow, precarious, and transient aid of voluntary subscription. Before that subscription is filled up many distresses must be suffered, and many outrages may be committed: the object of the subscription itself is not to pay the debts of those whom nobody will trust, but to restore these wanderers to their several homes.—Where misery is certain, and corruption is probable, the vigour and authority of law should anticipate the charity of individuals.—Charity operates slowly, feebly, and with discriminations depending on the humours or the judgement of those by whom it is exercised: but the operation of law is quick, sure, and comprehensive; it provides a remedy from which none are excluded by partiality or inattention; it strikes at the root of the malady, and does not depend for its efficacy upon the perverseness of the patients. I wish it to be considered that all objections deduced from the case of the vagrant blacks, are quite uncon-

ned with the general question; the law has already provided for English vagrants, and the Magistrate is both instructed and impowered to relieve their immediate wants, and assist them in obtaining a permanent maintenance from the parishes to which they severally belong. To neglect therefore the execution of those laws, is an act both of inhumanity to the individual, and treachery to the public.

But whatever may be the intention of Government with respect to their regulations for the city of Westminster, if the principles of the plan are not perfectly sound, no good can be expected from it; it may amuse us with the expectation of ideal advantages which will never be realized; it may throw us into fits of temporary gratitude towards the framer of the bill, and towards the Parliament, by whose kind interposition it may be enacted; but a little time will lay open the specious imposture, and a little consideration will shew us, that, to the evils under which we already labour, there is added the aggravation of mockery and insult, in the pretences of those who stood forth to alleviate them. I mean not, sir, to insinuate that you are capable of countenancing deceit; but you will permit me to say, that a deep and extensive acquaintance with the more abstruse parts of law will be of little use in framing the Bill of which we are speaking, and that it well be-
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comes those who undertake to frame it, to be on their guard against the suggestions of the officious, the self-interested, and the insidious. You are not to be told, sir, that schemes which have been honoured with the sanction of the legislature and dignified with the noblest appellations as conducive to the public good, have speedily degenerated into the basest and most pernicious jobs.

Let me hold up as a warning to those who would innovate upon law, the Hulk Bill, of memory most infamous, and of experience most fatal—For surely of all the systems that ever were gravely proposed, and deliberately adopted by a great nation, or in an enlightened age, and *for the reformation of manners too*, that bill was the most wretched; it was *big with every mischief* and inconvenience that *a wise people ought to have shunned*, and *a wise legislature ought to have foreseen*; it was, in plain English, establishing a college for knaves—they were sent in apt scholars, but came out complete masters of arts. The public have felt the force of the system, and experienced the good effects of their education. How any reasonable man could ever be weak enough to flatter himself even with the hopes of such a bill producing any good effects, is to me astonishing; and yet the Public *were* as lavish in their praises of that system, and as fond of having

having it carried into execution, as they are *now* eager to have a *Police*, forsooth, established in Westminster.

It is not worthy then of any wise man for a moment to listen to those pleas, which the tools of a court, or the hirelings of a job can at pleasure believe or disbelieve, employ or ridicule, as may suit the purpose of the moment.

Thus may we be told:—Is not the danger real and pressing? Are not the People of Westminster most intent upon having a bill? And must not we suppose them the best judges of their own interests? Should not something be done for their relief speedily, and shall our project be condemned before it has a trial? Alas, Sir, this language which in the ears of a shallow and precipitate observer, breathes nothing but condescension and candour, and a regard for the Public weal, is, *you well know*, futile and delusive. It rarely contains the real motives by which law makers are influenced, but may serve to conceal what it might be unsafe to avow openly, and at the same time produces a *convenient apology*, if the law should in fact prove ineffectual or injurious.

Common observers are silenced with such language as this:—*We* made the law to serve
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and oblige you; *we* listened to your complaints; *we* admitted your assertions; and *we* followed as far as *we* could the very plan you recommended to us: but I have often asked myself, was the propriety of that plan maturely considered? No. Did the views of the public safety predominate over a regard to the ambition or selfishness of individuals? No. Was that regard the chief cause of that very failure which is avowedly laid upon the misinformation given by those who clamoured for the bill? Yes.

Sir, the subject of the hulk is closely connected with your bill; not merely as suggesting a very salutary caution against an ineffectual and delusive plan, but as opening to us some of the sources from which arise the very evils which are to be corrected by that bill.

If you appeal to any man whether he would take into his service or employment a person discharged from the hulk? what other answer can you expect than a negative? What, then, must be the consequence of the poor wretch's enlargement? — He cannot starve! — human nature shudders at that. If then he cannot procure employment honestly, he must of necessity betake himself to those unhappy ways for subsistence which first brought him to all the difficulties, and subjected him to all
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the distress he has just been freed from. It is ten to one if he is not taken up in a fortnight for housebreaking or highway robbery, tried at the next sessions, the fact of his having been discharged from the hulk mentioned as an aggravation of his crime, convicted, and hung out of the way. And yet if he had been ever so well disposed, it was almost impossible for him to avoid the gallows. Such are the baneful effects of an ill-digested system of jurisprudence.

The same consequences sometimes result from a free pardon. A more melancholy instance cannot occur than what happened when Mr. Alderman Skinner was Sheriff. A poor lad whose father was very well known to that good officer and humane magistrate, happened to be convicted of a capital crime. The boy, during his confinement, both before and after conviction, behaved very orderly, and induced every one to think he was a reformed person, and that if pardoned, he would prove a useful good member of the community. The Sheriff, charmed with the boy's behaviour, and eager and happy to embrace an opportunity of doing a friendly office by the father, took occasion to represent the whole affair to His Majesty, and by his kind interposition, procured a free pardon; and what do you think was the consequence? In about two months afterwards Mr. Sheriff Skinner

Skinner himself was obliged to officiate and attend the execution of this very boy. So much for free pardons.—But don't let me be misunderstood. I find no fault with Mr. Skinner for his benevolence: he did as every other good man would and ought to have done: whilst he maintained the dignity of the magistrate, he could not forget the feelings of a father!—I honour him for his conduct. The prerogative of the crown could never be more nobly employed than upon such an occasion. I only produce this as an instance of the effect of a pardon, even where the boy had a father who would employ him.—How much harder then must be the case of that poor wretch who can get no employment. Famine and horror stare him in the face, ruin and destruction are galloping after him; whilst death, like a hawk, hovers over, and seizes him as his prey at Tyburn. It shocks me to think of it, but experience daily confirms the truth of these observations. We hope, however, when the hulks are untenanted, that they and the system may be buried in the ocean, never to rise again.

In the former paragraph, Sir, I condemned free pardons; do not therefore suppose indiscriminately; for the spirit of our penal laws, I confess, is at present, in many instances, oppressive and sanguinary. God forbid that I should wish, or encourage others to wish, exe-

cution always to follow on condemnation—I mean not that the offender should perish, but that he should not be let lose upon society, and that he should not escape with total impunity. It is a reproach to the humanity and justice of this country that death is so often appointed at least by the laws: It is a yet greater reproach, if possible, to the wisdom of the government that a substitute for death uniting mercy with justice, has not yet been discovered—From this digression, which, however, was necessary to prevent misconception, I proceed to point out some other evils which it is incumbent upon every good magistrate, and every good legislature to regulate.

It has often struck me that the granting of licenses to so many public houses, has had its weight in creating and increasing the evils so much complained of—there gaming and every species of dissipation is carried on; there debauchery and excess fix their standards. I know what will be said in support of them; Government is benefited, and the revenue increased: but is it not apparent that the revenue which arises from the corruption and depravity of the people's manners, is built upon a rotten foundation? Is such a system fit to be encouraged? As far as licenses are granted for the accommodation of those who have no other home to resort to for meat and drink, it is very well: but

no serious man will assert that the keeping such houses open all night long, is a benefit to the community. One good effect, I own is produced; thieftakers as regularly go thither in search of their prey, as kites frequent the fields where partridges have been hatched, and often with equal success.

If the generous Howard, who traversed the kingdom and many parts of Europe, visited all the prisons, and familiarised himself to scenes of woe, instead of searching for *a plan to make convenient prisons, had discovered a method of rendering them unnecessary*, by keeping people out of them, he had done more essential service to the community. Does any one think that prisons were calculated for the improvement of mankind? The person who entertains such an idea will find himself mistaken. If an individual goes in with a spark of honesty about him, when he comes out he may hunt for it, but he will not find it. "Evil communications corrupt good manners." Prisons were never erected for the instruction of mankind, or the propagation of virtue: they may punish, but will never reform; and whoever sends a person thither for the improvement of his morals, will find himself disappointed. That they are seminaries of learning I will readily confess; but you must agree with me, too, that they are seminaries of vice and immorality. Would to God that some mode could be adopted as a sub-

stitute for imprisonment for debt. The man who could happily hit upon such an expedient would deserve well of his country, and merit the general thanks of mankind. More evils arise to the community from jails than people in general are aware of. Those who are strangers to prisons paint to their imaginations all the horrors that distress can suggest; but those who from situation and circumstances have had occasion to visit them, and to contemplate the modes of living and the feelings of the inhabitants, know how greatly they fall short of what the imagination conceives. Persons in those places soon lose their delicate feelings, and, instead of being sensible of their follies, and wishing to devote the residue of their lives to virtue and industry, become callous and indifferent to every thing that is virtuous and praise worthy.

There never was a finer picture of Vice, or one more highly finished, or more applicable to the present subject, than what Mr. Pope has painted in the following lines ;

Vice is a monster of so frightful mien,
As, to be hated, needs but to be seen ;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

I am one of those who cannot help thinking that if a Committee were to be appointed to inquire into the nature and constitution of every prison in the kingdom, *to state the various fees*
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that are paid by the poor wretches, *to whom, and for what paid; the manner of debtors living, their accommodation,* and a variety of other objects, which, under such an inquiry, would be discovered, would do an essential benefit to the public. Only make an experiment round this town, and I am very much mistaken if Government does not discover a sufficiency of materials for prosecuting the inquiry. Do not be surpris'd to find the keepers' places worth thousands a year. I do not mean those employed in looking after felons, but those who have the custody of debtors, insolvent debtors, if you please. I have been told, and I firmly believe it, that a very great law Lord, when he went to review the King's-Bench prison after the late fire, could not help expressing his surprise and astonishment at the situation, convenience, and accommodation he saw there. Instead of a prison, it appeared to him like a palace; and, besides some snug departments, some convenient offices, there are, I assure you there are, some very beneficial places. If you mean to establish a police for the convenience of the Public, do not shrink from the inquiry, but promote it with the spirit and resolution of an honest man. If you retract, the Public will then judge of your plan; and, take my word for it, they are the most liberal judges in the world. Let no mean, narrow system, or vicious idea of police, influence your conduct. Set this inquiry, with others, afloat, and the community will

will have reason to thank you for the fruits of your labour. You will collect the finest and the richest materials in the world for reformation. Facts will then appear, such damning facts will stare you so glaringly in the face, that you cannot possibly avoid taking notice of them. By this method you will get at the root of many evils, and, in prosecuting the inquiry, perhaps arrive at the spring head of corruption. Once discover the source of the evil, and it is a million to one but a remedy is found out. The community was never more essentially served than in Hilary Term last by the Court of Common Pleas refusing to enlarge the rules of the Fleet prison. The Judges saw through the fallacy of the application, and, like honest men, set bounds to that corruption and wickedness they could not prevent. Thus far, but no farther, shall they go. The keeper may weep in sackcloth and ashes; but the Public will have great reason to rejoice and be glad. The rules of a prison are, in plain English, a pecuniary advantage to the keeper, and a license to debtors to dwell in a convenient, airy situation and laugh at their creditors. This is literally the case.

Sir, these observations were suggested to me by the use of the word *jobs*. I entreat you, Sir, to explore and discountenance them, as they exist in our jails, as they defeat the well-meant rigours

rigours of public justice, as they set free the debtor from all salutary apprehensions of his creditors, or subjecting him to a debasing and galling dependence upon the rapacity and barbarity of his jailer. Some of these remarks may extend to the situation even of felons when under imprisonment. I mean, Sir, in the inferior jails : Newgate, I am persuaded, is conducted upon the most liberal plan, and I hope that your bill will introduce the spirit of that plan into inferior prisons. The amiable and venerable example of Mr. Akerman, convinces me, that the same activity and vigilance, the same mildness and generosity, may be practised with effect, in every place which is appointed for the confinement of criminals.

Every man in this country thinks he has a right to find fault, and without knowing where the defect is ; whether it arises in the law or the execution, is constantly suggesting additions and alterations, and blaming those to whose care the springs of Government are entrusted, for not adopting his plan. But let the penal statutes of this country be ever so wisely framed ; let them be replete with every convenience the clear head and uncorrupted heart can suggest, if the person who attempts to enforce them is to be branded with the odious and reproachful name of an informer, your law is inefficacious. Instead of discountenancing

cing those who have virtue enough to put the laws in action, it should be the practice, as much as it is the duty, of the civil magistrate to encourage them. He ought to point out the utility of such men, and by the superior authority his situation places him in, to wipe off every stigma or reproach the wantonness of those who wish to elude the justice of their country may chuse to throw upon them.

If a knave or a thief be detected, the common cry is, punish him, punish him;—with all my heart. But don't let the man who has courage enough to punish him, be abused for doing what you have been wishing him to do. The law says there shall be such a quantity of bread in a quartern loaf: that a bottle of wine shall contain a quart.—If the baker sells light weight, or the taverner vends short measure, and either or both of them are convicted, why should not the names of such villains be made notorious, and their places of abode published in the papers? There is every reason in the world why they should, and I have never yet heard why they should not. The fear of punishment hath ceased to have its effect upon such men; the fear of shame may perhaps have a different one: let such persons be once made sensible of the impropriety and injustice of their conduct, whether by the force of example

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ple, or the influence of shame, it is quite immaterial ; if they are brought to do that which they otherwise would not do, what is it to the community how the end is obtained? The object being secured, the public is benefited. As your bill, Sir, probably will descend very minutely and particularly into the state of Westminster, it may not be amiss for me to mention some scandalous practices :—In depravity, perhaps not to be compared to absolute theft ; but in their number and in their consequences not less injurious to society. I shall make no apology for these observations, because I am persuaded that it is your own sincere wish, and ought at least to be the object of your bill, to restrain little as well as great offences, and to detect the cheat, as well as to crush the plunderer. I do not think it would be a bad scheme if every bottle, decanter, quart, pint, tankard, and pot, silver or pewter, and every other vessel in which liquor is vended, was to be marked with a public stamp, and a very severe penalty put upon him who sold it without such mark.—Every man would then know what he ought to have for his money, whereas at present the person who calls for a bottle of wine has not three half pints, which makes just the difference of five and twenty per cent. to the vintner. It is a common observation, that a silver tankard pays for itself in a very short time ; and so do a variety of other vessels.

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When Lord North put a penny additional duty upon a bottle of port, *the vintner only advanced the modest sum of five pence* in consequence of it. — A decent little douceur! — A pretty little sugar plumb, which Government suffered the vintner to take by way of reconciling him to the expence of freightage and insurance during the American war; that bugbear, which every knave made a cloak of to conceal his villany under. — I would not wish to bear hard upon the vintner, taverner, or any other tradesman; but I do see a manifest impropriety in their dealing with the public just as they like. Let them, in the sale of their liquors, be under the same regulation as the baker; let the commodity rise and fall with the markets, regard being always had to the vintner — give him the turn constantly in his favour. The profits upon wine, rum, brandy, tea, coffee and the like, are immense; and great, 'tis true, are the expences of those who keep coffee houses and taverns: but the profits and expences keep no pace with one another. When rum sold for fourteen shillings a gallon, there was some reason for the vintner curtailing the measure; but is there any, or the same, pretence why it should be continued now it is reduced to nine shillings, and nine shillings and six pence a gallon? None upon earth. Besides, the Commutation Tax has made three and thirty per cent. difference in favour of
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of the coffee-house keeper ; and do you hear a syllable about a decrease ? Not a word ; rather an increase to the traveller. Now this is what calls for regulation. But as it is every one's business, therefore it is no one's ; and you may depend upon it the grievances will go unnoticed and unreformed : If the principles of the bill are good, why confine the application of them to Westminster ? I am for a general plan, that every subject in the kingdom may feel its influence, and partake of its benefit. Every thing that is confined to a particular spot, looks so partial, and carries so much the appearance of a job, that I always suspect it ; and nothing but the reputation and character of the patrons of this bill, men of the most unsullied honour, could induce me to think otherwise. Their honour is at stake ; and those who know how to acquire, know how to set a proper estimate upon reputation.

It is with sentiments of well-founded confidence that I point out to you one advantage which attends the execution of your plan for the city of Westminster. Whatsoever is directed by the Legislature upon principles of sound and liberal policy, will assuredly be executed by the leading magistrates of the city with great wisdom, and with firmness quite inflexible. Many of them are of independent fortunes, and of an education which I know to be liberal ; they are

not to be corrupted by bribes, or intimidated by danger.—They will not only be actuated by a sense of duty, but will proceed with steadiness and watchfulness when the laws they are called upon to enforce are both practicable and salutary.—As men, they will rejoice in being directed to check the first beginnings of iniquity; as citizens, they will feel themselves encouraged to assist in restraining it when arrived at its last and worst stages. They will perceive that no excuse is left for them if they are negligent or treacherous in the discharge of the high trust which, by your bill shall be, and by former laws are, committed to them. Instead of indulging any mean and narrow vanity in the acquisition of new powers, *they will thank you*, and reverence the Legislature for the directions and assistance you give them in employing that authority with which they are already invested. *I cannot suppose it possible that any new plan can be laid before the Legislature without their approbation*; and sure I am, that, with the concurrence of the Legislature, the laws now in being, *explained and aided, but not changed*, by the intended interposition of Parliament, will sufficiently effect the suppression of hypocrisy in the beggar, idleness in the vagrant, and depravity in the thief.—I repeat it again and again, that no new punishments are to be inflicted upon offenders; that no new legal owners are to be given to magistrates, but that
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the appeal be made unequivocally and directly to the laws already established. That the magistrates be solemnly called upon, and, by severe penalties, be obliged to execute them; and that directions, merely of a circumstantial and explanatory nature, should be given by the Legislature, for the speedy, the vigorous, and effectual execution of those measures which former legislators have thought conducive to the public good.—Let the magistrates be told, in a tone of parliamentary authority, what is their duty. Let them be encouraged and protected in doing that duty well. Let the extent in which it is practicable be pointed out. Let them feel that infamy and pecuniary forfeitures await them if they do not practise it in the utmost possible extent. At present they shrink from the odium and the danger of serving the public; but they will strive to serve it effectually when the wisdom of Parliament reminds them of an obligation they have already incurred and holds out to them protection and praise in the vigorous exertion of powers which, from a variety of causes, have been hitherto conferred in vain. To say the truth, Sir, there is more efficacy in the revival and enforcement of old laws, than in the introduction of those which excite jealousy in the subject, and embarrassment in the magistrates, merely because they are new.

Sir,

Sir, I will now meet a complaint which is very loudly made; and at the same time I leave upon your conscience the invidious, but momentous, task of inquiring how far it is justly founded. It is said, that some men, unqualified for the duties of the office, and unworthy of its dignity, are admitted into the magistracy of Westminster. It is also said, that their conduct is not altogether irreproachable; that temptations lye before them to partiality and oppression; and that the authority of the law is often sacrificed to the acquisition of petty and unwarrantable fees, by those who administer them. Sir, I do not adopt this charge as indiscriminately applicable to the magistrates of Westminster. I know that in many instances it cannot be applied but with extreme indecency, injustice, and ingratitude; but if there be the smallest foundation for it in the character of any one man, it is the duty of the Legislature to interpose and vindicate their authority from neglect and perversion. You know, Sir, that the energy of law depends very much upon the uncorrupted principles, and unfulled reputations of those by whom it is executed.—You also know, that jobbing finds its way not only into the hearts of magistrates themselves, but into the views even of some men by whom magistrates are appointed. I will not pursue a subject, where indignation may make me overleap the bounds of prudence: I will not expatiate

expatiate upon the evil which it is your duty to search to the bottom; but I will render the discharge of that duty more easy, by pointing out a complete and radical cure. If there be such a monster as a trading justice, let his artifices be dragged to light; let his name be instantly expunged from the list of magistrates; let his fees be swept away by a direct and positive prohibition of law; and let penalties of the heaviest and most ignominious nature be annexed to crimes, for such I must call them, of the blackest die, and the foulest malignity. The character of a magistrate, in the eye of the law, and in the eye of common sense, is not only momentous, but even sacred.—Why, then, are not salaries appointed, salaries, I mean, completely and visibly adequate to the toil, and the dignity of the station?—Why is not that reign which is already distinguished by conferring independence upon judges, exalted to yet higher celebrity, by diffusing that independence through the subordinate ranks of the magistracy?—Why is not extortion made impossible, whether from the prosecutor that he may obtain justice, or from the felon that he may escape it?—Why is not the Public compelled to reward those who are the protectors of our properties, and of our lives? Sir, the appointment of a salary, to be paid by the Public, will be attended with advantages. It will remove all suspicion of trickery and connivance. It will

will throw new lustre round the character of the magistrate.—It will invite intelligent and uncorrupted citizens to assume that character.—It will affix respectability to that station, which frequently, and perhaps justly is now the object of contempt. Sir, you will easily suppose that I mean to confine those salaries to the bills of mortality, within which, crimes are so frequent, and consequently the office of a magistrate is so very laborious. We have heard of constables who have been elevated into magistrates : I am far from condemning the measure ; but I cannot help wishing that rewards and honours were sometimes bestowed upon vigilant and independent men, who unite the liberality of gentlemen with the integrity of magistrates. In short, Sir, I should be happy to see the office of a Westminster justice aspired to by persons whose ambition is as honourable, as their behaviour is irreprehensible—their fortunes opulent, and their reputation unblemished. Such men would resist the spirit of jobbing, if it were ever employed in planting unworthy associates upon the same Bench with themselves. I have in a former part of this Letter pleaded for the informer, that *he* may not be odious ; and I now plead for the magistrate, that *he* may be made respectable.

In the course of this address, Sir, I have uniformly considered the success of your intended bill;

bill, as connected with the eminence of your professional character; for surely, as your character is likely to facilitate the passing of the bill, it is highly incumbent upon you to beware, lest the bill should, in the event, obscure the lustre of your character. It must give great pain, Sir, to every honest man, if Mr. Macdonald, even against his own will, and without any distinct foresight, were to become the tool of low ambition, and the dupe of vulgar cunning. The Public, to whom your legal knowledge and your personal worth cannot be unknown, would be extremely mortified, if that knowledge and that worth were perverted by other men into instruments of designs, which they have not themselves the courage to avow, or the talents to execute. Believe me, Sir, you have a right to assert your own opinion, in opposition to the wills of the most servile justice, and to the pretension of the proudest Peer, in the city of Westminster. Your views, I trust, are more capacious:—You have a dearer reputation at stake, and you want not the means to support it. You have no local or petty interest to promote. No abject dependents to provide for.—No private jobs of vanity or avarice to serve, under the pretence of restraining crimes, *less* base and *less* destructive than that official knavery which is employed sometimes to oppress the thief, and sometimes to let him escape. You, Sir, are *not* a trading justice, a

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desperate projector, or a domineering, electioneering, title-veering maker and unmaker of magistrates—You *are* the Solicitor General of England. As, then, I believe you, from your own integrity, incapable of deliberately *deceiving*, I call upon you to exercise the whole force of your wisdom, and to assert the real dignity of your station, lest you should yourself be deceived; lest your efforts for the public safety should be disappointed by ambitious or officious impostors, whose groveling and sordid views you cannot but despise;—lest, in a word, you should ultimately be made responsible for evils, which it was not your intention to create, and as the ostensible, but incautious, patron of the Westminster-bill, you should incur that odium, which ought more properly and more heavily to fall upon its secret and selfish advisers.

—Be true to thine own self,
And false thou can'st not to the public be.

SHAKESPEARE.

T H E E N D .

